

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-2(c) MILSTEAD & ASSOCIATES, LLC By: Andrew M. Lubin Atty. ID: AL0814 1 E. Stow Road Marlton, NJ 08053 (856) 482-1400 File No. 226144-13 Attorneys for Secured Creditor: U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank NA, as trustee, on behalf of the holders of the WaMu Mortgage Pass-Through Certificates, Series 2006-AR9	
In Re: John Cosares	Case No.: 19-32739-RG Chapter 13 Hearing Date: December 2, 2020 Time: 8:30 a.m. Judge: Rosemary Gambardella

OBJECTION TO CONFIRMATION OF MODIFIED CHAPTER 13 PLAN

U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank NA, as trustee, on behalf of the holders of the WaMu Mortgage Pass-Through Certificates, Series 2006-AR9 (“Secured Creditor”), by its counsel, Andrew M. Lubin, Esquire, of MILSTEAD & ASSOCIATES, LLC, states the following grounds as an Objection to Confirmation of Debtor’s Modified Chapter 13 Plan:

1. On December 5, 2019, Debtor, John Cosares filed a petition pursuant to Chapter 13 of Title 11 of the United States Code in the United States Bankruptcy Court for the District of New Jersey.
2. Secured Creditor is the holder of a first mortgage on real property owned by the Debtor known as and located at 64 Weiss Road, Upper Saddle River, NJ 07458 (the “Property”).
3. Secured Creditor filed a Proof of Claim on January 15, 2020 at Claim No. 2-1.
4. As more fully set forth in the aforementioned proof of claim, as of the date of the filing

of the instant Chapter 13 petition, total arrears due to Secured Creditor through the Plan are \$139,938.73.

5. On November 2, 2020, Debtor filed a Modified Chapter 13 Plan which provides for payment of pre-petition arrears in the amount of \$139,938.73 and post-petition mortgage arrears in the amount of \$16,868.50.

6. The listed amount of the post-petition arrears to be paid through the plan is incorrect.

7. The post-petition arrears through November 30, 2020 are \$14,126.30. The breakdown is as follows:

4 payments (8/1/2020-11/1/2020) x \$4,444.85:	\$17,779.40
Less suspense balance:	<u>(\$ 3,653.10)</u>
	\$14,126.30

8. Secured Creditor objects to the Debtor's Modified Chapter 13 Plan as the post-petition arrearage should be \$14,126.30 through November 30, 2020.

WHEREFORE, Secured Creditor respectfully requests that the Court deny confirmation of the Modified Chapter 13 Plan for the reasons hereinabove.

DATED: November 23, 2020

Respectfully submitted,
MILSTEAD & ASSOCIATES, LLC

/s/Andrew M. Lubin
Andrew M. Lubin, Esquire
Attorney ID No. AL0814
1 E. Stow Road
Marlton, NJ 08053
(856) 482-1400
Attorneys for Secured Creditor

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CERTIFICATION OF SERVICE

- I, Andrew M. Lubin, Esquire:
 - ☒ represent the Secured Creditor in the above-captioned matter.
 - ☐ am the secretary/paralegal for _____, who represents the _____ in the above captioned matter.
 - ☐ am the _____ in the above case and am representing myself.
- On November 23, 2020, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:

Objection to Confirmation of Modified Chapter 13 Plan
- I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

DATED: November 23, 2020

/s/ Andrew M. Lubin

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Road Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Camille J Kassar Law Offices of Camille Kassar, LLC 271 Route 46 West Suite C-102 Fairfield, NJ 07004	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
John Cosares 64 Weiss Road Saddle River, NJ 07458	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.